

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 08 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IVAN LEE MATTHEWS, II,

Case No. 3:18-cv-00561-MMD-CBC

Plaintiff,

ORDER

v.

ELY STATE PRISON, *et al.*,

Defendants.

I. DISCUSSION

On November 26, 2018, Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an incomplete application to proceed *in forma pauperis*. (ECF No. 1, 1-1). On November 30, 2018, the Court ordered Plaintiff to pay the filing fee or file a complete application to proceed *in forma pauperis*, including a properly executed financial certificate and inmate account statement. (ECF No. 3).

On December 26, 2018, Plaintiff filed another application to proceed *in forma pauperis*. (ECF No. 4). Once again, Plaintiff's application is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 4).

1 Therefore, the *in forma pauperis* application is denied without prejudice. The Court will
2 retain Plaintiff's civil rights complaint (ECF No. 1-1) but will not file it until the matter of the
3 payment of the filing fee is resolved.

4 Plaintiff will be granted one final opportunity to cure the deficiencies of his
5 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
6 action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*, he must
7 file a fully complete application to proceed *in forma pauperis*, including a properly
8 executed financial certificate and an inmate account statement.

9 **II. CONCLUSION**

10 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
11 *in forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

12 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
13 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
14 document entitled information and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
16 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
17 the correct form, including a properly executed financial certificate and an inmate account
18 statement, in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a
19 civil action (which includes the \$350 filing fee and the \$50 administrative fee).

20 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
21 dismissal of this action may result.

22 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
23 (ECF No. 1-1), but shall not file it at this time.

24
25 DATED: 1/8/2019

26 
27 UNITED STATES MAGISTRATE JUDGE
28